

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Apollo Excellence S.A.,	§	
Plaintiff,	§	
	§	
VS.	§	C.A. 4:16-cv-2874
	§	Admiralty Rule 9(h)
MISS CLAUDIA, her engines, tackle,	§	
appurtenances, etc., <i>in rem</i> and	§	
D8 PRODUCT TANKERS I LLC and	§	
NAVIG8 GROUP	§	
<i>In Personam</i> Defendants.	§	

VERIFIED ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Apollo Excellence S.A. (“Apollo”) filing its Verified Original Complaint and for cause of action would respectfully show as follows:

I.

SUBJECT MATTER JURISDICTION

This is a cause of action within the admiralty and maritime jurisdiction of the United States and this Honorable Court in accordance with 28 U.S.C. §1333, and Rule 9(h) of the Federal Rules of Civil Procedure.

II.

THE PARTIES

Plaintiff Apollo Excellence S.A. is foreign business entity, with its principal place of business in Panama, Republic of Panama. Plaintiff Apollo was and still is the owner of the M/T EURONIKE, an ocean-going tanker vessel.

III.

The MISS CLAUDIA, IMO No. 9293959, of 25431 gross tons, built in 2006, is an oil products tanker vessel owned and operated by Defendants D8 Product Tankers I LLC and

Navig8 Group. The Plaintiff expects that the MISS CLAUDIA will be within the jurisdiction of this Court during the pendency of this action.

IV.

Defendant D8 Product Tankers I LLC (“D8”) is a business entity organized and existing under foreign law with its office located c/o Navig8 Pte Ltd, 25-01 Centennial Tower, 3, Temasek Avenue, Singapore 039190. Upon information and belief D8 was and now is engaged in business as a deliverer of marine bunkers by water for hire, and owned, operated, managed, chartered and/or otherwise controlled the Vessel. In accordance with the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Plaintiff hereby forwards duplicate originals of process with this Verified Complaint, in English, to the Central Authority for Singapore, to wit: Ministry of Law, International Legal Division, 100 High Street #8-02, The Treasury, Singapore, for service on D8 Product Tankers I LLC, at its home office, c/o Navig8 Pte Ltd., 25-01 Centennial Tower, 3, Temasek Avenue, Singapore 039190.

V.

Defendant Navig8 Group is a business entity organized and existing under foreign law with its office located at 2nd Floor, Kinnaird House, 1 Pall Mall East, London SW1Y 5AU, United Kingdom. Upon information and belief Navig8 was and now is engaged in business as a deliverer of marine bunkers for hire, and owned, beneficially owned, operated, managed, chartered and/or otherwise controlled the Vessel. In accordance with the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Plaintiff hereby forwards duplicate originals of process with this Verified Complaint, in English, to the Central Authority for the United Kingdom, to wit: Ministry of Justice, Justice Policy

Group, 6.01, 6th Floor (Red Core), for service on Navig8 Group at its home office, 2nd Floor, Kinnaird House, 1 Pall Mall East, London SW1Y 5AU, United Kingdom.

VI.

THE COLLISION

On November 19, 2015, while located in the South Sabine lightering area, the EURONIKE was underway and preparing for a ship to ship mooring operation in order to take on bunkers from the bunkering vessel MISS CLAUDIA. The EURONIKE was proceeding under the directions and instructions of a mooring master located onboard MISS CLAUDIA on a steady course and speed. During the MISS CLAUDIA's third attempt to approach alongside the EURONIKE, at about 0950 hours, and exclusively as a result of the actions and omissions of the MISS CLAUDIA, the MISS CLAUDIA collided with the EURONIKE, specifically, the port side of MISS CLAUDIA came into contact with the starboard side of the EURONIKE. At trial, the evidence will establish that the MISS CLAUDIA's improper maneuvering and other legal fault caused the collision.

VII.

Upon information and belief, Plaintiff Apollo alleges and believes that the collision was caused by the unseaworthiness, fault and negligence of the MISS CLAUDIA and negligence of Defendants D8 and Navig8 in the following respects, among others, which will be shown at the trial of this matter:

- a. The MISS CLAUDIA was unseaworthy, inasmuch as it had insufficient ability to maintain control of its movements;
- b. The MISS CLAUDIA was manned by an incompetent and/or inexperienced crew;
- c. The MISS CLAUDIA failed to maintain an attentive and proper lookout;
- d. The MISS CLAUDIA failed to maintain its position as agreed;

- e. The MISS CLAUDIA failed to keep out of the way of the EURONIKE;
- f. The MISS CLAUDIA failed to take action to avoid the collision in ample time with due regard to the observance of good seamanship;
- g. The MISS CLAUDIA was carelessly and negligently navigated, coming into contact with the EURONIKE, without taking into consideration all factors to be considered by a competent navigator;
- h. The actions and omissions of the mooring master onboard MISS CLAUDIA were negligent and a cause of the collision;
- i. The MISS CLAUDIA's fenders were in an inadequate and improper condition; and
- j. The MISS CLAUDIA's approaching speed and angle of approach were improper and excessive.

Plaintiff Apollo reserves the right to amend this pleading to allege other faults on the part of the MISS CLAUDIA, *in rem*, and the *in personam* defendants as the facts pertaining to this casualty become more fully developed.

VIII.

As a proximate result of the foregoing events, Plaintiff Apollo has sustained significant cost and expense associated with the collision. Additionally, the EURONIKE was delayed and sustained physical damage, which required repairs. Plaintiff Apollo currently estimates that the cost for repairs, loss of revenue, and other claims for damages will be approximately \$375,000.00, in addition to pre and post-judgment interest and costs. Defendants MISS CLAUDIA, *in rem*, and D8 and Navig8, *in personam*, are jointly and severally liable for these damages.

IX.

All and singular the premises as recited above are true and correct and within the admiralty and maritime jurisdiction of the United States and this Honorable Court.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that:

- (a) Summons under due form and law be issued against Defendants D8 Product Tankers I LLC and Navig8 Group;
- (b) The MISS CLAUDIA be arrested pursuant to Rule C of the Supplemental Admiralty Rules and condemned and sold;
- (c) Judgment be entered in favor of Plaintiff against Defendants D8 Product Tankers I LLC, Navig8 Group, and the MISS CLAUDIA for the amount of Plaintiff's damages, together with pre- and post-judgment interest, as well as the costs and disbursements of this action;
- (d) Process in the form of law according to the practice of this court and causes of maritime and admiralty jurisdiction may issue against MISS CLAUDIA, her engines, tackle, etc., requiring all persons having or claiming interest in her be cited to appear and answer under oath, all and singular, the matters aforesaid, and that this court pronounce judgment against the MISS CLAUDIA, *in rem*, in favor of Plaintiff for said damages, together with pre- and post-interest judgment, cost and disbursements; and
- (e) That the Court grant Plaintiff such other and further relief, both in law and in equity, as may be just and proper.

Respectfully submitted,

By: /s/ David R. Walker

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ATTORNEY FOR PLAINTIFF
APOLLO EXCELLENCE S.A.

OF COUNSEL

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

STATE OF TEXAS

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COUNTY OF HARRIS

VERIFICATION

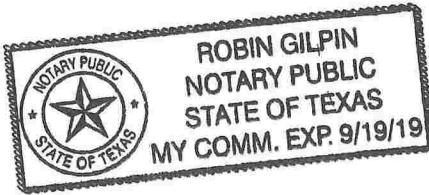
BEFORE ME on this day came David R. Walker, and being duly sworn, did depose and state:

My name is David R. Walker and I am a partner with the firm of ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P., attorneys for the Plaintiff herein. I have read the foregoing Verified Original Complaint and know the contents thereof and that the same is true and correct, based upon knowledge, information and belief. The reason this Verification is made by the undersigned is that he is an attorney for the Plaintiff which is a corporation without offices or any director within this District.



David R. Walker

SUBSCRIBED AND SWORN TO BEFORE ME this 26th day of September, 2016.



Robin Gilpin

Notary Public in and for the State of Texas